

Michael D. O'Brien, OSB#951056
Michael D. O'Brien & Associates, P.C.
12909 SW 68th Parkway, Suite 160
Portland, OR 97223
(503) 786-3800

Attorney for International Collision Repair LLC, Debtor.

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re: International Collision Repair LLC, Debtor, John & Rebecca Southwick, Debtors.	Case No. 20-33271-pcm11 Case No. 20-32792-pcm11 Jointly Administered Under Case No. 20-32792-pcm11 NOTICE AND MOTION TO SETTLE AND COMPROMISE
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NOTICE

If you oppose the proposed course of action detailed below or sought in this motion, you must file a written objection with the bankruptcy court no later than twenty-one days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice or hearing. Your objection must set forth specific grounds for objecting and your relation to the case. The objection must be received by the clerk of the court at US Bankruptcy Court, 1050 SW 6th Ave., #700, Portland, OR 97204 by the deadline specified above or it may not be considered. You must also serve the objection on counsel for ICR LLC at Michael D. O'Brien, 12909 SW 68th Parkway, Suite 160, Portland, OR 97204 within that same time. If the court sets a hearing, you will receive a separate notice listing the hearing date, time and other relevant information.

MOTION TO SETTLE AND COMPROMISE

International Collision Repair, LLC (“ICR LLC”) intends to take the following action:

ICR LLC intends to sign a Stipulated Limited Judgment in the form attached as Exhibit 1 which resolves a dispute with Kapitus Inc. in the adversary proceeding pending under case no. 20-3117-pcm. As part of the settlement, Kapitus will agree to reduce its claim by approximately \$24,000 and to vote to accept a plan that contains specific treatment of Kapitus’ claim. In return, ICR LLC will release and hold harmless Kapitus from liabilities arising out of its pre-bankruptcy activity. The agreement is binding upon successors in interest of the parties including upon conversion or the appointment of a trustee.

ICR LLC believes the settlement is in the best interest of its Estate as it eliminates costly administrative expenses related to litigating the adversary proceeding. Furthermore, ICR LLC believes any recovery it may realize against Kapitus would be contested, costly, subject to defenses and would result in a net benefit to the Estate that is substantially less than the benefit obtained in the settlement. Finally, ICR LLC believes that this settlement allows for better treatment of secured creditors junior to Kapitus and thus is fair and equitable to all parties.

/s/ Michael D. O’Brien
Michael D. O'Brien, OSB#951056
Attorney for the Debtor(s)

I certify that on April 5, 2021, I served copies of the above notice on debtors, trustee, U.S. Trustee, and the following creditors entitled to notice:

See Attached Creditor List Obtained this date from the US Bankruptcy Court

/s/ Jackie Zielke
Jackie Zielke, Paralegal to:
Michael D. O'Brien, OSB#951056

Label Matrix for local noticing
0979-3
Case 20-33271-pcm11
District of Oregon
Portland
Mon Apr 5 10:50:35 PDT 2021

24 Capital, LLC
aka Funders App LLC
c/o Mark Allaway, CEO
31-10 37th Avenue, Suite 202
Long Island City, NY 11101-2112

Bank Of America
PO Box 15731
Wilmington, DE 19886-5731

Blue Vine Capital, Inc
c/o Eyal Lifshitz, CEO
401 Warren Street, Suite 300
Redwood City, CA 94063-1578

CHTD Company
c/o Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703-4261

(p)CITY OF PORTLAND
OFFICE OF CITY ATTORNEY
RM 430
1221 SW 4TH AVE
PORTLAND OR 97204-1991

Complete Business Solutions Group, Inc
20 N. 3rd Street
Philadelphia, PA 19106-2118

David Hammerquist Law
401 W. Front St. #302
Boise, ID 83702-5122

(p)EVEREST BUSINESS FUNDING LLC
8200 NW 52ND TERR
SECOND FLOOR
DORAL FL 33166-7852

FFE Serices LLC
244 Madison Avenue, Suite 379
New York, NY 10016-2817

International Collision Repair, LLC
9817 E. Burnside Street
Portland, OR 97216-2329

Axalta Coating Systems, LLC
c/o Corporation Service Company, RA
1127 Broadway Street, NE, Suite 310
Salem, OR 97301-1139

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Bluevine Capital Inc.
c/o Valerie Bantner Peo, Esq.
Buchalter PC
55 2nd St., 17th Fl.
San Francisco, CA 94105-3493

CT Corporation System
Attn: SPRS
330 N. Brand Blvd., Suite 700
Glendale, CA 91203-2336

Complete Business Solutions Group
c/o Lisa McElhone CEO
205 Arch St. 2nd Floor
Philadelphia, PA 19106-1904

Corporation Service Company
Bankruptcy Notices
801 Adlai Stevenson Drive
Springfield, IL 62703-4261

Department of Consumer & Business Svcs
350 Winter Street NE #400
PO Box 14610
Salem, OR 97309-0445

EBF Partners, LLC
dba Everest Business Funding
8200 NW 52nd Terrace, Suite 200
Doral, FL 33166-7852

First Corporate Solutions
914 S Street
Sacramento, CA 95811-7025

1050 SW 6th Ave. #700
Portland, OR 97204-1160

Baltz Burnside Holdings, LLC
641 S. Stonehenge Terrace
West Linn, OR 97068-2540

Big Wave Finance
548 Market St. #35697
San Francisco, CA 94104-5401

CHTD Company
PO Box 2576
Springfield, IL 62708-2576

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Complete Business Solutions Group
dba Par Funding
2000 PGA Blvd, Suite 4440
Palm Beach Gardens, FL 33408-2738

Corporation Service Company
PO Box 2576
Springfield, IL 62708-2576

EBF Partners, LLC
c/o NRAI Services, Inc. -RA
1200 South Pine Island Road
Fort Lauderdale, FL 33324-4413

EBF Partners, LLC d/b/a Everest Business Fun
8200 N.W. 52nd Terrace, Suite 200
Doral, FL 33166-7852

First Corporate Solutions
c/o SPRS - RA
914 S. Street
Sacramento, CA 95811-7025

Foundation Group LLC
c/o Thomas Friedrich, Asst. Genl Counsel
11501 Sunset Hills Rd. Suite 100
Reston, VA 20190-6700

Foundation Group LLC
c/o Sam Graziano, CEO
11501 Sunset Hills Road, Suite 100
Reston, VA 20190-6700

Funding Metrics, LLC
Attn: Paulette Yiambilis, Genl. Counsel
3320 Tillman Drive, Suite 200
Bensalem, PA 19020

(p)FUNDING METRICS LLC
ATTN PAULETTE YIAMBILIS ESQ
FUNDING METRICS LLC
3220 TILLMAN DRIVE SUITE 200
BENSALEM PA 19020-2028

Internal Revenue Service
Bankruptcy Notices
PO Box 7346
Philadelphia, PA 19101-7346

Invision Funding, LLC
2500 Wilson Boulevard, Suite 350
Arlington, VA 22201-3873

John & Rebecca Southwick
2418 Donegal Court
West Linn, OR 97068-3907

John Southwick
2418 Donegal Court
West Linn, OR 97068-3907

Kabbage
c/o Kathryn Petralia, President
925B Peachtree St. NE
Atlanta, GA 30309-3918

Kapitus Servicing, Inc.
c/o Benjamin Johnston, COO
120 West 45th Street, 4th Floor
New York, NY 10036-4041

Kapitus, LLC
aka Invision Funding LLC -RA- Blue Wave
6802 Paragon Place, Suite 410
Richmond, VA 23230-1655

Lien Solutions
PO Box 29071
Glendale, CA 91209-9071

LoanBuilder
c/o Swift Financial, LLC
3505 Silverside Rd.
Wilmington, DE 19810-4905

Multnomah County Attorney
Suite 500
501 SE Hawthorne Blvd
Portland, OR 97214-3501

Oregon Department Of Revenue
Bankruptcy Notice Dept.
955 Center Street, NE
Salem, OR 97301-2555

Oregon Employment Department
Room 107
875 Union Street, NE
Salem, OR 97311-0800

Saturn Funding, LLC
c/o National Registered Agents, Inc.
1209 Orange St.
Wilmington, DE 19801-1120

Saturn Funding, LLC
c/o Weinstein & Weinstein, LLP
Attn: Israel Weinstein
68-15 Main Street, 2nd Floor
Flushing, NY 11367-1310

Securities & Exchange Commission
Attn: Bankruptcy Counsel
444 South Flower Street, Suite 900
Los Angeles, CA 90071-2934

Small Business Administration
Bankruptcy Notices
801 Tom Martin Drive, Suite 120
Birmingham, AL 35211-6424

Strategic Funding Source, Inc.
c/o Andrew Reiser, CEO
1501 Broadway, Suite 1515
New York, NY 10036-5505

Swift Financial, LLC
as Servicing agent for Webbank
3505 Silverside Road, Suite 200
Wilmington, DE 19810-4905

US Attorney -Oregon
Attn: Billy J. Williams, US Attorney
1000 SW 3rd Ave., #600
Portland, OR 97204-2936

US Attorney General
Attn: William Barr
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

US Trustee, Portland
620 SW Main St #213
Portland, OR 97205-3026

Universal Underwriters Insurance Co
PO Box 68549
Schaumburg, IL 60168-0549

WebBank
c/o Kelly Barnett, President
215 S State Street, Suite 1000
Salt Lake City, UT 84111-2336

Webbank
Bankruptcy Notices
6440 S. Wasatch Blvd., Suite 300
Salt Lake City, UT 84121-3518

Wesco Group Incorporated
805 SW Broadway Suite 1900
Portland, OR 97205-3359

Wesco Group LLC
c/o CT Corp Systems RA
780 Commercial St SE, #100
Salem, OR 97301-3465

Amy E Mitchell
POB 2289
Lake Oswego, OR 97035-0074

MICHAEL D O'BRIEN
Michael D. O'Brien & Associates, P.
12909 SW 68th Parkway, Suite 160
Portland, OR 97223-8399

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bank Of America
POB 982235
El Paso, TX 79998

Chase
PO Box 182051
Columbus, OH 43218

City Of Portland
Office Of City Attorney
1221 SW Fourth Avenue, Room 430
Portland, OR 97204

EBF Partners, LLC
dba Everest Business Funding
5 West 37th Street, Suite 1100
New York, NY 10018

Funding Metrics, LLC
c/o Jim Carnes, CEO
3220 Tillman Drive, Suite 200
Bensalem, PA 19020

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Wesco Group LLC
c/o CT Corp Systems RA
780 Commercial St SE, #100
Salem, OR 97301-3465

End of Label Matrix	
Mailable recipients	61
Bypassed recipients	1
Total	62

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

John Southwick &
Rebecca Southwick,

Debtors,

International Collision Repair, LLC

Debtor.

International Collision Repair LLC,

Plaintiff,

v.

Foundation Group, LLC, a Delaware
Limited Liability Company, **BlueVine**
Capital Inc., a Delaware Corporation,
Kapitus LLC, a Virginia Limited Liability
Company, **Webbank**, a Utah Corporation,
Saturn Funding LLC, a New York
Limited Liability Company, **EBF Partners,**
LLC, a Delaware Limited Liability

Case No: 20-32792-pcm11 LEAD CASE

Case No: 20-33271-pcm11

Jointly Administered Under:

Case No: 20-32792-pcm11

Adv. Proc. No. 20-03117-pcm11

STIPULATED LIMITED JUDGMENT
AS TO KAPITUS LLC

Company, **24 Capital LLC**, a New York Limited Liability Company, **Funding Metrics, LLC**, a Delaware Limited Liability Company, **Complete Business Solutions Group Inc.**, a Delaware Corporation,

Defendants.

Based on the Stipulation of the parties as evidenced by the signature of counsel below, it is hereby ORDERED and JUDGMENT shall enter as follows:

1. Kapitus Servicing Inc. as agent for Kapitus, LLC (“Kapitus”) by and through its counsel stipulates to the terms contained herein, which bind Kapitus’ successors and/or assigns.
2. The value of all assets owned by International Collision Repair LLC as of August 2, 2020 was \$254,851.79.
3. Kapitus and International Collision Repair LLC entered into an agreement regarding a financing involving the purchase of future receivables on or about August 15, 2019.
4. As part of the August 15, 2019 agreement, Kapitus was granted a security interest in substantially all the assets owned by International Collision Repair LLC.
5. Kapitus filed a UCC-1 financing statement with the Oregon Secretary of State Corporation Division on August 19, 2019 that was recorded as document number 92015800.
6. The debt owed to Kapitus LLC by International Collision Repair LLC at the time of the Petition Date was \$115,897.36, which accrues interest and fees pursuant to the August 15, 2019 agreement.
7. The Debtor agrees to propose a Plan which will provide that the debt owed to Kapitus LLC by International Collision Repair LLC will be paid at a reduced principal balance of \$91,912.00, which accrues simple interest at the annual rate of 6%

- commencing with the Effective Date of the Plan (as that term is defined in such proposed Plan.)
8. The Debtor agrees to propose a Plan which will provide that commencing with the Effective Date of the Plan (as that term is defined in such proposed Plan,) the debt owed to Kapitus by International Collision Repair LLC shall be paid in 119 equal monthly installments of \$1,020.41 followed by a 120th payment of \$1,020.63.
 9. Kapitus agrees to Vote to Accept a Plan proposed by the Debtor that contains the terms disclosed at Paragraph 7 and 8 above, with the reservation that it may seek to include additional attorneys' fees and costs should it become involved in contested proceedings after the entry of this stipulated judgment and may require other terms not in conflict with the debt, interest or payment amount identified above.
 10. Debtor further agrees to release and hold harmless Kapitus, its affiliates, parents, agents, officers, directors, managers, members, representatives, successors and assigns on the Effective Date of the Plan from all liabilities arising out of or related to the August 15, 2019 agreement in consideration of Kapitus reducing the principal balance of the debt as outlined herein. For the avoidance of doubt, this release covers all avoidance actions under the Bankruptcy Code and shall be binding on any successor to the Debtor, including upon conversion or the appointment of a trustee.
 11. No costs and/or fees are awarded to either party in this adversary proceeding, other than any which are included in the reduced principal balance indicated in paragraph 7.

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This Order Complies with the Requirements of LBR 9021-1.

It is So Stipulated:

/s/ *PROPOSED*

Michael D. O'Brien, OSB#951056
Attorney for International Collision Repair LLC

It is So Stipulated:

/s/ *PROPOSED*

Daniel J. Bugbee
Attorney for Kapitus LLC

CC: Debtors, Defendant, ECF parties